

### **REMARKS**

Claims 1, 5-8, 10 and 12 are of record.

Applicant's attorney, Gordon D. Coplein, thanks the Examiner for his courtesy in granting a telephone interview in this application on May 20, 2008. The substance of the interview is discussed below.

#### **Claim Rejections, 35 USC §112**

Claim 10 has been amended to clarify the construction of the seat.

Claims 1, 5-8, 10 and 12 have been amended to satisfy the rejection based on indefiniteness.

#### **Claim Rejections, 35 USC §102**

Claims 1, 5, 8 and 12 are rejected over Barron, U.S. 616,178. During the interview, applicant's attorney pointed out the difference between Barron and the application as follows:

Barron, 616,178. ["L" is the line number of the patent]

Middle piece A is mounted on bike frame by U-shaped spring "a" [L 5, 37]

spring "a" seems to let the entire middle piece A move vertically

"i" is a cushion on the front of the middle piece A, and  
"k" is a cover [L 99-100]

two side pieces, or wings, B rock relative to the center piece A [L 10]

The wings B rock (front to back) on the bearings "dd"  
relative to the center piece A [L45]

Springs "ee" turns the front edges of the wings "BB" up [L65]

Stops "gg" are rigid in center piece A to limit rocking of the wings [L 66-68]

Button "h" rotates on A to stop wings from rocking [L86-94]

The two wings B tilt alternately as the rider moves his legs up and down [L82-85]

Invention - see Figs. 6 and 7

Seat 2 is mounted to the frame

Nose portion 9 is rebated 13 into seat 2

Nose portion 9 flexes on spring 10 relative to the seat

Main claim 1 is amended to set forth that the nose portion of the seat flexes relative to the seat portion in which it is rebated. This is opposite to Barron in which the seat center portion is fixed to the frame and the wings B, which would more closely correspond to the seat portion of the invention, move up and down with the rider's legs.

During the interview, the Examiner appeared to accept the presentation of the differences between the prior art and the subject invention. He also agreed that the amendment to the claims distinguished over the cited art.

The Examiner indicated that upon presentation of the formal amendment that he would make the further search required of him and that if no better prior art was found, the application would be passed to issue.

A new claim 13 is added which sets forth that the seat portion is to be rigidly attached to the frame of a bicycle. New claim 14 further defines the operation of the hinge.

Prompt and favorable action is requested.

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Respectfully submitted,

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